

I would request that we should stop interfering in the affairs of others. First, we should attain the strength and the importance where our views carry weight when we express them.

Now we come to internal decisions.

The third issue causing conflict in our minds relates to sectarian differences. As I have already pointed out that writ of the Government will be established. No individual, organization or party will be allowed to break the law of the land. All functioning will be in a regulated manner and within rules.

Now I come to the extremist organizations. Terrorism, and sectarianism must come to an end. I had announced a ban on Lashkar-e-Jhangvi and Sipah-e-Mohammad on 14 August last year. On that occasion, I had pointed out that Sipah-e-Sahaba and TJP would be kept under observation.

I am sorry to say that there is not much improvement in the situation. Sectarian violence continues unabated. We have busted several gangs involved in sectarian killings. You would be astonished to know that in year 2001 about 400 innocent people fell victim to sectarian and other killings.

Many of the gangs apprehended include people mostly belonging to Sipah-e-Sahaba and some to TJP. This situation cannot be tolerated any more. I, therefore, announce banning of both Sipah-e-Sahaba and TJP. In addition to these, TNSM (Tehrik-e-Nifaz-e-Shariat Mohammadi) being responsible for misleading thousands of simple poor people into Afghanistan also stands banned.

This organization is responsible for their massacre in Afghanistan. The Government has also decided to put the Sunni Tehreek under observation. No organization is allowed to form Lashkar, Sipah or Jaish. The Government has banned Jaish-e-Mohammad and Lashkar-e-Taiba.

Any organization or individual would face strict punitive measures if found inciting the people to violence in internal or external contexts.

Our mosques are sacred places where we seek the blessings of God Almighty. Let them remain sacred. We will not allow the misuse of mosques. All mosques will be registered and no new mosques will be built without permission. The use of loudspeakers will be limited only to call for prayers, and Friday Sermon and Vaaz.

However, I would like to emphasise that special permission is being given for "Vaaz" (Sermon). If this is misused the permission will be cancelled.

If there is any political activity, inciting of sectarian hatred or propagation of extremism in any mosque, the management would be held responsible and proceeded against according to law.

I appeal to all Pesh Imams to project the qualities of Islam in the mosques and invite the people to piety. Talk of obligations towards fellow beings, exhort them to abstain from negative thoughts and promote positive thinking. I hope that all Nazims, Distt. Police officers and Auqaf Department officials will take quick action against violators of these measures.

On Madaris, a detailed policy will be issued through a new Madressa Ordinance. The Ordinance will be issued in a few days. I feel happy that the Madressa policy has been finalized in consultation with religious scholars and Mashaikh. I have touched on the merits and shortcomings prevailing in the Madaris. Merits have to be reinforced while shortcomings have to be rooted out. Under the Madressa policy, their functioning will be regulated. These Madaris will be governed by same rules and regulations applicable to other schools, colleges and universities. All Madaris will be registered by 23rd March 2002

and no new Madressa will be opened without permission of the Government.

If any Madressa (religious school) is found indulging in extremism, subversion, militant activity or possessing any types of weapons, it will be closed.

All Madaris will have to adopt the new syllabi by the end of this year. Those Madaris which are already following such syllabi are welcome to continue. The Government has decided to provide financial assistance to such Madaris. The government will also help the Madaris in the training of their teachers. The Ministry of Education has been instructed to review courses of Islamic education in all schools and colleges also with a view to improving them. So far as foreign students attending Madaris are concerned, we have set rules for them. Foreign students who do not have proper documents would be required to comply with the formalities by 23rd March 2002; otherwise they can face deportation.

Any foreigner wanting to attend Madaris in Pakistan will have to obtain required documents from his/her native country and NOC from the government. Only then, he or she will get admission. The same rules will apply to foreign teachers.

Some Ulema were of the view that some poor people who come to Pakistan for religious education should not be deported to the countries of their origin.

I agree that this is a genuine demand but such people should regularize their stay in Pakistan through their respective embassies. As I have said, all such activity has to be regulated and the writ of the Government must be established.

With a view to ending conflict, I have explained to you at great length the three areas causing confusion in our minds. Making rules, regulations and issuing ordinances is easy but their implementation is difficult. However, I feel all the measures I have announced are of utmost importance. We have to implement them. In this regard, the law enforcement agencies including police must perform their duty.

We are introducing reforms in the police with a view to improving their efficiency. A great responsibility lies on their shoulders.

I have directed the police to ensure implementation of the steps announced by the government and I have no doubt they will be motivated to perform their duty.

After reforms we expect they will be better trained and equipped to discharge their duty. Rangers and civil armed forces will be in their support.

We are also taking steps in consultation with the judiciary for speedy trial of cases relating to terrorism and extremism. Anti-terrorist courts are being strengthened and necessary orders will be issued in a few days.

Apart from these issues, I would also like to inform you, my brothers and sisters, that we have been sent a list of 20 people by India.

I want to clear our position on this. There is no question of handing over any Pakistani. This will never be done. If we are given evidence against those people, we will take action against them in Pakistan under our own laws. As far as non-Pakistanis are concerned, we have not given asylum to any one. Any one falling under this category will be proceeded against whenever one is found.

My Brothers & Sisters, Pakistan is an Islamic Republic. There are 98 percent Muslims living in this country. We should live like brothers and form an example for rest of the Islamic countries. We should strive to emerge as a responsible and progressive member of the comity of nations.

We have to make Pakistan into a powerful and strong country. We have resources and potential. We are capable of meeting external danger. We have to safeguard ourselves

against internal dangers. I have always been saying that internal strife is eating us like termite. Don't forget that Pakistan is the citadel of Islam and if we want to serve Islam well we will first have to make Pakistan strong and powerful.

There is a race for progress among all nations.

We cannot achieve progress through a policy of confrontation and feuds. We can achieve progress through human resource development, mental enlightenment, high moral character and technological development. I appeal to all my countrymen to rise to the occasion. We should get rid of intolerance and hatred and instead promote tolerance and harmony.

May God guide us to act upon the true teachings of Islam. May He help us to follow the Quaid-e-Azam's motto: "Unity, Faith and Discipline". This should always be remembered. We will be a non-entity without unity.

And I would again like to recite a couplet from Allama Iqbal.

Fard Qaim Rabte Millat Say Hai Tanha Kuch Naheen.

Mauj Hai Darya Main Aur Baroon-e-Darya Kuch Naheen.

(Amongst the Community Do Individuals Survive; Not Alone; Like Waves That Exist in Rivers Out of Water Are Not Known.) Pakistan Painsabad.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1731, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

Pending:

Daschle (for Harkin) amendment No. 2471, in the nature of a substitute.

Daschle motion to reconsider the vote (Vote No. 377—107th Congress, 1st session) by which the second motion to invoke cloture on Daschle (for Harkin) amendment No. 2471 (listed above) was not agreed to.

Crapo/Craig amendment No. 2533 (to amendment No. 2471), to strike the water conservation program.

Craig Amendment No. 2835 (to amendment No. 2471), to provide for a study of a proposal to prohibit certain packers from owning, feeding, or controlling livestock.

Santorum modified amendment No. 2542 (to amendment No. 2471), to improve the standards for the care and treatment of certain animals.

Feinstein amendment No. 2829 (to amendment No. 2471), to make up for any shortfall in the amount sugar supplying countries are allowed to export to the United States each year.

Harkin (for Grassley) amendment No. 2837 (to amendment No. 2835), to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

Baucus amendment No. 2839 (to amendment No. 2471), to provide emergency agriculture assistance.

Reid amendment No. 2842 (to the language proposed to be stricken by Crapo/Craig amendment No. 2533), to promote water conservation on agricultural land.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2843 TO AMENDMENT NO. 2471

Mr. ENZI. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 2843 to amendment No. 2471.

Mr. ENZI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to provide livestock feed assistance to producers affected by disasters)

On page 126, before line 1, insert the following:

#### SEC. 1. LIVESTOCK ASSISTANCE PROGRAM.

Section 194 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933) is amended to read as follows:

#### "SEC. 194. LIVESTOCK ASSISTANCE PROGRAM.

"(a) IN GENERAL.—the Secretary shall carry out a program to provide livestock feed assistance to livestock producers affected by disasters.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000,000 for each of fiscal year 2003 through 2008.

Mr. ENZI. Madam President, I rise to offer an amendment that would permanently authorize the Livestock Assistance Program.

The Livestock Assistance Program at the moment is an ad hoc program administered by the U.S. Department of Agriculture through the Farm Service Agency. It is available to livestock producers in counties that have been declared disaster areas by the President or the Secretary of Agriculture. It provides financial relief to livestock producers that are experiencing livestock production loss due to drought and other disasters. My amendment permanently authorizes this program, thereby acknowledging that drought is a recurring situation, much like low market prices, which the rest of the farm bill addresses—usually in emergency situations for which we provide some funding in advance. The Livestock Assistance Program is one of those areas where we have not done that. We want to change it so that we recognize it and then budget for it and then later appropriate for this great need that recurs frequently in the United States. It is just good accounting when you know something is going

to happen and then provide for it in advance instead of providing for it at the tail end.

Let me tell you a little about the history of the Livestock Assistance Program. It began in 1999 as an ad hoc program to assist ranchers in drought-stricken areas buy feed. Until fiscal year 2002, it had been tacked onto yearly appropriations bills and funded. The outcry in my State was loud when the Livestock Assistance Program wasn't funded this year. We will be voting tomorrow on the emergency funding of the Livestock Assistance Program for fiscal year 2002. In years of drought, which seem to be every year in Wyoming lately, my ranchers depend on Livestock Assistance Program money to help pay for skyrocketing feed costs. They need to know they can depend on our assistance when they need it.

This buys feed so they can keep the herd alive, which is kind of a humane thing to do.

Livestock producers in my State of Wyoming have been hard hit by drought. In fact, some ranchers in my State tell about the grass in their pastures being destroyed as their cattle walk over it. There is not enough moisture to keep what grass there is rooted in the ground. The drought outlook for this year isn't optimistic. Recently, Wyoming's State climatologist reported that a third year of drought is possible. After Wyoming's warmest summer in 107 years, a normal year would be a relief, but it wouldn't be enough.

We need about 180 percent of our normal moisture to get to the average for the year. Unless rains of 125 to 175 percent of normal fall on my State, my ranchers will be facing a third year of drought. We are not talking about a lot of rain. Wyoming's average rainfall is only 18 inches a year. But we are not anywhere near that this year. People who are feeding cattle at this time of year during the cold weather are often finding that there isn't enough moisture in the ground. At this time of year the ground would normally be frozen, and it would be easy to get across the ground. When they dropped off the feed, the feed would still be on top of the ground and the cattle would be able to get at it. They have to move their feed every day just to get around.

This last weekend I was at the stock show in Denver. It is a big national event. All of the ranchers come in for that during this time of year and hold a number of important meetings. When I left that meeting to go to Wyoming, I was in a duststorm. I was in a duststorm that was as bad as any blizzard we have in Wyoming. The visibility was extremely limited. You could only see taillights about 100 feet ahead of you because the dirt was blowing off the fields. The fields are dry. They haven't had enough moisture so it can freeze and thaw so the dirt doesn't blow away.

The past years tell us that we will always fight drought. I still believe that

the forward-looking solution is to provide livestock producers with livestock insurance. They have risks inherent in a business that depends on weather. Livestock producers don't have this tool. The USDA recently introduced pilot programs to explore this option, but until livestock insurance is available to manage risk, we should assist when risk becomes fact.

The chart behind me displays how many states have drought problems. It is color coded. If the States are in blue, there isn't a drought problem at the moment. If the States are in red, the entire State has already been declared a disaster area. The ones in orange have been partly declared disaster areas, depending on the part of the State which submitted applications and were accepted as having the difficulty. The States in yellow have some counties that have emergency designations because of being contiguous to the other counties that have already been designated.

You can see that almost the entire United States has this problem. For us to ignore it would be a tragedy.

The Secretary of Agriculture designated counties in each of these States as drought disaster areas for 2001.

You can see that the pattern is pretty widespread throughout the United States. If we don't pass this amendment, we are saying, yes, we have a program. It has been a great program. It has saved livestock from dying in the past. It saved people from having to sell off their herds. If we do not fund this program, if we do not put it on the books as a permanent program, if we do not show that it has some importance, then it is like a bad joke in our programs.

Many of you may not realize that drought begins during the winter even when the snow is on the ground. It is born when the snowpack is too thin. It reaches its full size during the dry summers. And drought flexes its full strength in the fall when ranchers are searching for winter feed.

My amendment authorizes this program so that we can consider the full impact of drought before it is too late. We are doing our country a disservice by waiting until the Agriculture appropriations bill is passed each year to garner support for assisting drought-stricken ranchers.

I am not asking my colleagues to support risky ventures. The poorly managed ranches went out of business in the first year of drought. Besides, the money these ranchers receive isn't enough to save their places; it is enough to feed the cattle and sheep.

I am asking my colleagues to adopt this amendment and assist dedicated livestock producers and their families who have persevered through hardship and continue to fight to stay in business.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Madam President, I ask the distinguished Senator from Wyoming if he will respond to questions in a colloquy about the important amendment he has offered?

Mr. ENZI. I am pleased to respond, Madam President.

Mr. LUGAR. Madam President, I ask the Senator, is it his intent to bring about an authorization for this so-called LAP program, which leads to this point, as the Senator has pointed out, that it has usually been the result of the appropriations process and a disaster bill on an ad hoc basis?

Mr. ENZI. Yes. My purpose is to move it from a last-minute measure to an authorized program so that it would go through the normal process and be a part of our normal planning.

Mr. LUGAR. To be a permanent program?

Mr. ENZI. Yes, a permanent program.

Mr. LUGAR. As I understand the amendment, it does not have mandatory funding attached to the program. It simply is an authorization. As the Senator pointed out, therefore, there is some planning, some attention that could be given to the livestock industry throughout the year in preparation for the appropriations process.

Mr. ENZI. Yes. Our hope is definitely that it becomes a part of the normal planning process, that it becomes a part of the appropriations through that mechanism rather than always coming in as an emergency, an emergency after the fact. It would be before the fact.

So I appreciate the question and the attention that is being given to it to make it a full-fledged program.

Mr. LUGAR. Does the Senator have a recollection of how frequently drought has occurred in Wyoming or, for that matter, the surrounding States? Is this an annual situation or perhaps it has occurred 1 out of 3 years? How would the Senator characterize the dilemma?

Mr. ENZI. Madam President, at the present time, we are in the third year of a drought. We normally do not have it every year, although we may have a county or two that would have it—not the same county even—but it is usually on a county-by-county basis. One county may have a drought this year; another county might have a drought next year.

But at the moment, our entire State is having a drought, as is Montana. They have already gotten their designation. We have not gotten our full State designation yet, and it probably would not even be necessary because of some of the surrounding county designations that we pick up that same way.

But ever since I got to the Senate, I have been concerned that we have come in with emergency proposals for things that happen on a very regular basis and what we know will happen. We do not know where it will happen, but we know it will happen. Wherever it happens in the United States, we ought to take it into consideration,

plan for it, budget for it, and prepare for it before it happens so we can do what we said we would do.

Mr. LUGAR. Just on a historical basis, obviously, the ranching industry has been a large one in the Senator's State for many years, and I suspect that drought has frequently come. I am just simply curious, as a matter of historical record, how have cattlemen survived these droughts? Has it been really through annual or these ad hoc appropriations or is there sort of a law of averages? How would you describe why people decide to have grazing in Wyoming and how some, at least, have thrived or they would not be in business even to this day?

Mr. ENZI. We have had the cattle industry in Wyoming since before Wyoming was a State. We have had some horrible losses before. The original losses were by people from other countries who were raising their cattle in Wyoming. They had enough money to get into business to begin with, and they had enough money to survive.

We have now gotten more to the point where they are family businesses, family ranches. The reason this becomes an extreme problem is, for example, this is the third year of drought for us. The program is even set up so if you receive money in 1 year, you cannot receive money in the next year. That will create some problems.

But the purpose of the program was not to pay for losses they had but to provide enough feed to keep them in business. With the cattle industry and the sheep industry, if you have breeding stock, and the weather gets really bad—really dry—and you know you are going to be in bad shape, and you sell off your breeding stock, you have just gone out of business. So mostly what this does is provide the feed supply for the breeding stock itself so that they can keep the herd going year after year. If it was only cattle they were raising on an annual basis, then they would just sell off that cattle.

One of the happenings in the past in Wyoming—and in the surrounding States—is ranchers have had to go out of business, and they have had to find a way to get back in business at a later time. Of course, during a drought, the people who are buying cattle recognize there is a drought, so they are kind of fire-sale prices that people get. They do not get full compensation for their herd at that time. Part of that is because there are more cattle being sold off at that time than normal. When you have an oversupply, the price goes down.

So we are trying to keep things together so there can be economic planning on the part of the ranchers as well as on the part of Government.

Mr. LUGAR. I appreciate the Senator's responses that fill out a very fine initial presentation of the bill with the Senator's own experience.

Obviously, he speaks not only for the State that he represents so well but for other cattlemen, those who are in-

volved in this process. The chart that he has presented is a comprehensive chart of the entire United States. There are many problems; therefore, the merits of the Senator's amendment really pertain to all of these Americans in addition to those he represents in the State of Wyoming.

I thank the Senator for his responses. I like the idea, and I would plan to support his amendment.

Mr. ENZI. I thank the Senator.

Mr. LUGAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Madam President, I ask unanimous consent that I be allowed to speak as in morning business for a period of time not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. JEFFORDS are printed in Today's RECORD under "Morning Business.")

AMENDMENT NO. 2837

Mr. GRASSLEY. Mr. President, I have a second-degree amendment on the farm bill. I offered this second-degree amendment to the Craig amendment to clear up any concerns raised by the opposition regarding the word "control" in the original Johnson-Grassley amendment banning packer ownership of livestock.

The new language reads that a packer may not own or feed hogs or cattle "through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent that the producer is no longer materially participating in the management of the operation with respect to the production of livestock."

What we are trying to do is clear up a little blue smoke that has been raised about the amendment that Senator JOHNSON and I offered prior to the holidays. It was adopted 51 to 46. So we want to clear up what the word "control" means. We do that through the phrase "materially participating."

A farmer who materially participates in the farming operation must pay self-employment taxes. Those who do not materially participate do not have to pay self-employment taxes. The phrase has appeared in the IRS Code, section 1402(a), since 1956, and there is a full hopper of case law clarifying the definition. So the words we use to explain what we mean or do not mean by the word "control" have a lot of case law behind them.

For those who were worried about excessive lawsuits and the actual enforcement of the provision being tied up in

the courts, rest assured that the perceived problem has been fixed.

I know that the lobbyists for the American Meat Institute will dream up some red herring argument that might attack me, as they have on this amendment, but that is OK. They do not represent the independent producers; they represent just the packers, bottom line.

For those producers who manage their risk through forward contracts and marketing agreements, the new language will not affect contractual relationships. Almost all producers who sell hogs or cattle under marketing agreements or forward contracts materially participate in the management of the operation and, thus, pay self-employment taxes. These independent producers will not have to change their business practices at all.

The revised amendment I have offered will inject greater competition, access, transparency, and fairness into the livestock marketplace. Small and medium-sized livestock operations will gain greater access to markets that will have greater volume and be subject to less manipulation. The revised bill clarifies that arrangements that do not impose control over the producer can still provide all the benefits of coordination and product specification.

I have worked on the second-degree amendment with the distinguished chairman of the Senate Agriculture Committee, Senator HARKIN, and also with Senator JOHNSON, the original cosponsor with me of the original language before the holidays, and the Iowa Farm Bureau and the American Farm Bureau Federation. We are all confident this amendment does exactly what we claim, which is to limit packer ownership but avoid impacting risk-management tools available for independent producers.

I will read, for my Senate colleagues, a letter from the American Farm Bureau Federation that states, with confidence, we have accomplished our goal and have overcome the blue smoke that the American Meat Institute and the packers have raised against the original Johnson-Grassley amendment:

The American Farm Bureau Federation supports Senator Grassley's amendment to clarify the issue of "control" under the packer ownership prohibition. This would allow producers to forward contract, pursue marketing arrangements, develop branded products, schedule animals to their plants, and to receive value-based premiums. We urge you to support the Grassley amendment to clarify "control."

Packer ownership has resulted in an increase in packer market power by allowing the packers the opportunity to stay out of the cash market for extended periods of time, often reducing farm gate demand and driving down prices paid to producers. This has resulted in the inability of independent producers to access the market. These transactions concerning packer-owned livestock are not part of the publicly-reported daily cash market. Narrowing the volume in the market makes it more subject to manipulation and often results in lower prices paid to producers.

We urge you to oppose the Craig amendment and support the Grassley amendment calling for clarification to the prohibition of packer ownership included in the Senate farm bill.

I can't lay it out much more clearly than the statement I just read from the American Farm Bureau. I should also state that in addition to the Farm Bureau, over 135 other organizations have also signed a letter in support of my second degree amendment. Just a few of those groups are the Livestock Marketing Association, National Farmers Union, National Farmers Organization, National Family Farm Coalition, R-CALF USA, Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America, United Methodist Church, General Board of Church and Society, National Catholic Rural Life Conference, and the Organization for Competitive Markets.

The packers are an important piece in the rural economy, but only a piece, not the whole pie. The question we need to ask ourselves is whether packers should be packers or packers should also be products. Is it our intent to let packers compete with producers on an even playing field? Is there any question who will lose?

I yield the floor.

The reason we keep sows in farrowing stalls is to protect the piglets. Sows are extremely important for the health and well-being of the piglets, but if we let the sow out of the crate we stand the chance of getting the piglets crushed by the sheer weight of the sow, or worse, and watch the sow grow fatter. Let us build a strong farrowing stall for the packers and facilitate the health and well being of our independent producers.

Support the Grassley second-degree tomorrow.

#### AMENDMENT NO. 2542

Mr. DURBIN. Mr. President, I rise today to speak as a cosponsor of an amendment by my colleague, Senator SANTORUM, regarding puppy mills. This amendment is based on legislation we introduced last October, S. 1478, known as the Puppy Protection Act.

For more than three decades, Congress has given the responsibility of ensuring minimum standards of humane care and treatment of animals to the Department of Agriculture, under the Federal Animal Welfare Act.

The current guidelines within the Animal Welfare Act do not go far enough to protect puppies at large breeding facilities, they merely provide for water and food, and that is questionable. By amending the Animal Welfare Act our amendment will better control the practices of puppy breeding in large facilities and address cruel puppy treatment.

In these large facilities, puppies are often kept in cramped, dirty cages, sometimes stacked on top of each other, exposed to the elements in extreme cold and heat, forced to breed incessantly; and deprived of adequate food, water, veterinary care, and any

semblance of loving contact. I have a chart that outlines the top 10 violations committed by commercial dog breeding facilities according to the USDA. These 10 points underscore the fact that something has to be done to stop the cruel treatment of puppies. I ask unanimous consent that a copy of my chart, and a letter from the Humane Society of the United States be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1)

Mr. DURBIN. This inhumane treatment has a direct bearing on the physical and mental health of dogs in these facilities. Often, after these puppies join a family, they turn out to have serious health and psychological problems that cause them pain, cause their owners great distress, and require expensive medical care.

I believe our amendment will address these problems, by filling gaps in the current law and encouraging stronger enforcement by USDA to crack down on chronic violators.

Our amendment has three components: socialization, breeding, and a three strikes policy. First, it will require commercial breeders to provide socialization for dogs at their facilities. Socialization is important for puppies during their first few weeks of life because if they're isolated from people and other dogs during those key weeks, they could face a lifetime of serious problems. Second, our amendment establishes some very modest restrictions to prevent extreme overbreeding of dogs by commercial operators. The dogs must be at least one-year-old before they're bred, and they can't have more than 3 litters during a 24-month period. Third, our amendment contains a "three strikes and you're out" provision to strengthen enforcement of the Animal Welfare Act by cracking down on commercial dog dealers who keep violating the law. If there are three violations during an 8-year period, the facility will lose its license, unless the Secretary makes a written finding that revocation is unwarranted because of extraordinary extenuating circumstance.

I've heard from many of my constituents in Illinois, who are deeply concerned about the puppy mill problem and want this legislation enacted. Our amendment is supported by national animal protection organizations, such as The Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals, ASPCA, which collectively represent more than 8 million Americans.

In addition, more than 860 animal shelters, animal control offices, and other state and local organizations across the country have endorsed this legislation. In my home State, they include 23 groups in Illinois, ranging from the Cook County Department of

Animal and Rabies Control to the Peoria Animal Welfare Shelter to the Illinois Federation of Humane Societies, based in Urbana.

I've been pleased to join with Senator SANTORUM and a number of our colleagues in obtaining additional funds for USDA to improve its enforcement of the Animal Welfare Act. We've had terrific support in this effort from Appropriations Chairmen BYRD and KOHL, along with Ranking Member COCHRAN, for which I'm very grateful. This amendment will complement those ongoing efforts by strengthening USDA's authority to crack down on the bad actors.

This amendment will ensure that any commercial dog breeder licensed by the Federal Government is meeting basic humane standards of care. We owe at least this much to the animals that have earned the title "man's best friend." We're talking about establishing a safety net to protect dogs, puppies, and the consumers who care about them against the poor treatment practices of the really bad dealers, the ones who provide no interaction; the ones who go against industry norms when it comes to over-breeding. And the ones who repeatedly violate the law governing the humane care of dogs. The good dealers, however, should be recognized for their work.

In closing, it is just unfortunate that it is the good dealers who suffer at the hands of the bad ones, the ones that give the industry a bad reputation. I thank my colleagues for their attention to this issue, and I urge their support for the Santorum-Durbin amendment.

#### EXHIBIT 1

##### Top 10 Violations by Commercial Dog Breeding Facilities

Here are the most common violations found by USDA in reported enforcement actions of 2000 (in order of frequency):

1. Failure to maintain clean and dry enclosures (remove excrement, food waste or corpses on a daily basis);
2. Failure to provide veterinary care to animals in need of care;
3. Failure to provide outdoor housing with adequate protection from the elements;
4. Failure to establish or maintain program to prevent infestation of pests;
5. Failure to provide dogs with adequate space;
6. Failure to clean and sanitize food receptacles;
7. Failure to ensure that enclosures did not have sharp edges that could injure animals;
8. Failure to provide water and food;
9. Failure to allow USDA inspectors to conduct a complete inspection of facility; and
10. Failure to ensure dogs were older than eight weeks of age before delivering them for transport.

THE HUMANE SOCIETY  
OF THE UNITED STATES,  
Washington, DC.

Support the Santorum-Durbin amendment to the farm bill

DEAR SENATOR: On behalf of the more than 7 million members and constituents of The Humane Society of the United States (HSUS) and the American Society for the Prevention of Cruelty to Animals (ASPCA), we urge you

to support the Santorum-Durbin amendment to S. 1731 (the Farm Bill). This amendment, which has broad bipartisan support, tracks closely with S. 1478, the "Puppy Protection Act," introduced by the amendment authors. The amendment is designed to crack down on so-called "puppy mills."

The Santorum-Durbin amendment will improve USDA enforcement of the Animal Welfare Act at commercial dog breeding operations in three ways:

- (1) Encourage swift and strong enforcement against repeat offenders by creating a "three strikes and you're out" system for chronic violators.
- (2) Address the need for breeding females to be given time to recover between litters, and to be at least one year old before they are bred.
- (3) Require that dogs be adequately socialized with other dogs and with people, enhancing their well-being and helping to prevent behavior problems in the future.

Mistreatment of dogs is a chronic problem at puppy mills. Dogs at puppy mills are often overcrowded, subjected to intense overbreeding, denied proper veterinary care, and maintained in substandard and unsanitary housing. Despite public awareness of these problems, the conditions persist. Strengthening the federal Animal Welfare Act to resolve these problems is a warranted and overdue response.

Mill dogs are treated as breeding machines. They are kept there for one reason: to produce puppies non-stop, beginning at a very young age, when they are still just puppies themselves. Over-breeding causes serious health problems for the mother and puppies.

Consumers are defrauded, believing they are purchasing healthy animals. Because of overbreeding and poor socialization, new puppies from pet stores and large-scale breeding facilities often face an array of behavioral and health problems—with illnesses often requiring consumers to absorb costly veterinary treatment.

USDA data reveal that there are at least 3,000 commercial dog breeding facilities operating throughout the country. The Santorum-Durbin amendment will provide USDA with better tools to crack down on chronic law-breakers and to address the important issues of socialization and overbreeding.

We anticipate scoring this legislation in the 2001 Humane Scorecard, either by co-sponsorship or recorded vote. Please support the Santorum-Durbin amendment to the Farm Bill.

Sincerely,

WAYNE PACELLE,  
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#### Q & A ON PUPPY PROTECTION ACT, S. 1478

*Won't this legislation affect "hobby breeders" and bring anyone who sells a puppy under federal regulation?*

Those who maintain three or fewer breeding female dogs and sell their offspring for pets or exhibition are exempt from the Animal Welfare Act (AWA). This means that they do not need to obtain a license, nor are they subject to the AWA's humane care requirements or inspections.

Nothing in the Puppy Protection Act changes this "de minimus" exemption. Only those who are subject to the rest of the Ani-

mal Welfare Act will be subject to the new requirements regarding socialization and overbreeding and to the "three strikes" enforcement provision.

According to the American Kennel Club's (AKA) records for 1997, the overwhelming majority of its registrants—almost 97%—had 3 or fewer breeding female dogs.

If it becomes necessary to adjust the de minimus threshold because of pending litigation, this can and should be addressed through the regulatory process, with input from all affected parties.

*Under the "three strikes" provision, will breeding facilities be shut down for non-compliance with minor technical rules?*

The legislation expressly provides that a dealer's license need not be revoked if the Secretary finds that "the violations were minor and inadvertent, that the violations did not pose a threat to the dogs, or that revocation is inappropriate for other good cause." This waiver language is broad enough to cover a range of situations for which revocation might be considered too severe a penalty, such as the scenario cited by opponents involving "three minor violations. . . even if immediate corrections were made and the dealer was in full compliance with the law."

The legislation further guarantees the licensee a hearing before an Administrative Law Judge within 30 days, to consider whether license revocation is unwarranted.

*Why cover commercial breeders who supply dogs for research?*

There are no standards currently covering socialization or overbreeding of any dogs (those destined for research or for the pet trade). The Puppy Protection Act addresses this gap in the Animal Welfare Act.

Dogs who will be used for research—and may suffer and give their lives to serve human health needs—are certainly no less deserving of humane care in their first few weeks than those who will become pets.

Congress has recognized this moral obligation by providing additional—not lesser—protections for dogs destined for research, in other portions of the Animal Welfare Act.

Poor socialization renders dogs fearful and aggressive when they come in contact with people. It is not in the interest of researchers to have dogs who bite and are unmanageable.

Breeding female dogs every single heat, beginning when they are too young, seriously compromises their health and the health of their puppies, leaving them weak and susceptible to disease. The scientific integrity of medical research is undermined if animal subjects are not healthy.

If puppies are produced at facilities that chronically violate basic humane standards (for food, water, veterinary care, etc.), their health and their value as research subjects are likely to be compromised. As former Senator Bob Dole said, "It is obvious that good animal care is essential to ensuring good quality research."

Less than .3% of all animals used in research are dogs, so the impact of this bill on research will be slight. Furthermore, it is not researchers, but the breeding facilities that supply dogs to them, who will be subject to the Puppy Protection Act's requirements, which will in turn benefit the researchers by ensuring healthier dogs.

*Shouldn't Congress stay out of the business of regulating dog breeding practices?*

Female dogs at some breeding facilities are made to produce litters every cycle (typically, twice a year) until they are "spent," beginning when they are as young as 6 months old. Such relentless overbreeding causes severe nutritional deficiencies and impairs a dog's immune system, leading to

increased risk of infections, illness and organ failure. These concerns go to the heart of humane treatment, and are as appropriate for Congress to address as other areas already covered by the AWA, such as adequate veterinary care, food, water, sanitation, ventilation, and shelter from harsh weather.

Opponents concede that the legislation's restrictions on breeding are so modest that "most breeders have much higher standards than the ones called for" in the Puppy Protection Act; the bill will only affect truly "bad actors."

*If Congress puts restrictions on breeding of dogs, won't this lead to breeding restrictions for livestock?*

The "slippery slope" argument ignores the fact that Congress will only go as far as it considers necessary and acceptable, and is not bound to extend any law.

Congress has historically afforded dogs extra protections under the Animal Welfare Act and other federal laws (such as banning the sale of dog fur and restricting military research on dogs), in recognition of the special relationship between dogs and people. Livestock are not even subject to the protections of the Animal Welfare Act.

*Why not us a "performance-based standard" rather than an "engineering standard" for socialization?*

When performance-based standards have been used elsewhere in the Animal Welfare Act (to meet the requirement for promoting psychological well-being of primates), they have proven vague, ineffective, and very difficult to enforce. This approach leaves it up to each facility to figure out how to achieve the desired result, and forces inspectors to make subjective judgments. Conversely, an engineering standard clearly specifies what steps a facility needs to take to comply with the law. The facilities know what is expected of them, and the inspectors know what to check for in determining compliance.

*Shouldn't industry experts have a say in developing the socialization standard?*

The legislation provides that minimum requirements for the socialization of dogs will be developed by the Secretary of Agriculture as part of the regulatory process, ensuring that commercial breeders will have ample opportunity to influence the standard-setting. The legislation does not dictate the specific socialization requirements.

*Why not just focus on better enforcement of existing law and catching those who breed dogs illegally without a license?*

The sponsors of S. 1478, along with animal protection organizations, are actively involved in obtaining increased funding for USDA to do a better job enforcing the Animal Welfare Act. In the past few years, Congress has appropriated an additional \$13 million to enable USDA to track down more unlicensed facilities, conduct more inspections, and improve follow-up enforcement efforts. Opponents of S. 1478, who argue that Congress should direct its attention to better enforcement of existing law, have done little or nothing to secure additional funds toward that end.

While Congress is making progress addressing the AWA budget shortfall, it is also important to address gaps in the law to better protect dogs and consumers. All the funding in the world will not resolve the problems that the socialization and breeding provisions of the Puppy Protection Act address.

#### MULTI-LENDER RISK MANAGEMENT

Senator LEAHY. Mr. President, section 541 of S. 1731 makes certain technical adjustments to the current authority of farm credit system institutions to participate with non-system

lenders in certain multi-lender risk management transactions. The system's multi-lender risk management authorities have been very successful in achieving the objectives of the 1992 authorizing legislation, as described on page 73 of the committee's report.

Is it the chairman's understanding that the provisions of S. 1731 will facilitate these partnership arrangements between commercial lenders and the system to spread risk among lenders and improve the availability of capital for the agricultural and food system, communication and related technology service companies and utility systems?

Mr. HARKIN. The Senator is correct.

#### EXECUTIVE SESSION

NOMINATIONS OF MICHAEL J. MELLOY, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, AND JAY C. ZAINEY, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER (Mr. CARPER). Under the previous order, the Senate will now proceed to executive session to consider Executive Calendar Nos. 670 and 676, which the clerk will report.

The legislative clerk read the nominations of Michael J. Melloy, of Iowa, to be United States Circuit Judge for the Eighth Circuit, and Jay C. Zaine, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

The PRESIDING OFFICER. Under the previous order, there are now 15 minutes to be equally divided.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I begin by thanking the nominees' home State Senators for working with us on this nomination and by commending the majority leader and our assistant majority leader for bringing this matter to successful conclusion today.

I also want to thank Senator CANTWELL for chairing the hearing in January that laid the groundwork for today's confirmation of Judge Michael Melloy as a judge on the United States Court of Appeals for the Eighth Circuit. That confirmation hearing was held on the second day of this session of Congress and was the twelfth confirmation hearing for judicial nominees since the majority shifted last summer. Judge Melloy and the five district court nominees included in the hearing that Senator CANTWELL chaired are the first judicial nominees to receive a confirmation hearing during January since at least 1995.

Those nominees were all promptly considered by the committee at our business meeting last Thursday and, today, due to that unusually fast start by the committee, Judge Melloy's nomination is being considered by the Senate for final action.

Last year I noticed our first judicial nominations hearing within 10 minutes of the Senate being permitted to reorganize. We held that first hearing last session on the day after committee members were assigned. In fact, during the past 7 months we have held 12 hearings involving judicial nominees. That is more hearings involving judicial nominees than were held in all of 1996, 1997, 1999 or 2000 and a more rapid pace than in either 1995 or 1998. Unlike the preceding six and one-half years in which no hearings were held in 30 of the months, since the Committee has reorganized last summer, we have held at least one hearing for judicial nominees every month. In fact, we held two in July, two unprecedented hearings during last summer's August recess, two in December and three in October. With the hearing at which Judge Melloy appeared, we now have held at least one hearing for judicial nominees every month since we were permitted to reorganize last summer after I became chairman of the committee and the Democrats became the majority party in the Senate.

Judge Melloy's confirmation fills a judicial emergency vacancy. That seat on the Court of Appeals for the Eighth Circuit, which includes eight States—Iowa, Arkansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota—has been vacant since May 1, 1999. I recall that it was not so long ago, in 2000, when the Senate was under Republican control, that another nominee to this very seat on the Eighth Circuit, Bonnie Campbell, did not receive the courtesy of a vote by the committee following the hearing on her nomination. She did not receive a vote due to the previous policy of allowing anonymous holds to be placed on nominees, even though in her case, both of her home State Senators, one a Democrat and the other a Republican, supported her nomination. Bonnie Campbell, the former Attorney General of Iowa, did not receive the courtesy of a vote, up or down, during the 382 days between her nomination by President Clinton and the time that the Bush Administration withdrew her name.

In contrast, we moved expeditiously to consider and report Judge Melloy's nomination to the Eighth Circuit. He participated in the first confirmation hearing this year, and his nomination was favorably reported by the Committee last week, during the first full week of this session. Judge Melloy's confirmation will eliminate the judicial emergency vacancy in that circuit caused, in part, by the committee's failure to act on Bonnie Campbell's nomination when Republicans controlled the Senate and the confirmation process.

Since the change in majority last summer, we have already moved ahead to confirm another new member of the Eighth Circuit. Judge Melloy will join Judge William J. Riley of Nebraska as the second judge considered and confirmed to the Eighth Circuit since the